

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KATHLEEN F. FIGIE,

Plaintiff,

v.

5:04-CV-0700

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

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FOR DEFENDANT:

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NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate
Judge David E. Peebles, duly filed on the 18th day of October, 2006. Following ten days from

the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. Plaintiff's motion for judgment on the pleadings is granted, the Commissioner's determination of no disability is vacated, and the matter is remanded to the agency for further consideration.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: November 6, 2006
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge